

**Agenda**  
**Planning Board Development Regulations Subcommittee**  
**August 7, 2020**

**Agenda Item #2A**  
**Approval of Minutes**

**July 10, 2020**

1 **DRAFT**

2  
3 **MINUTES**

4 **PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE**

5 **Friday, July 10, 2020 – 12:30pm**

6 **REMOTE VIA MICROSOFT TEAMS**

7 **LebanonNH.gov/Live**

8  
9 Members Present: Matthew Hall (Chair), Joan Monroe, Tom Martz, Kathie Romano

10  
11 Staff present: Rebecca Owens (Associate Planner), David Brooks (Planning Director),  
12 Tim Corwin (Senior Planner)

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14  
15 **1. CALL TO ORDER:**

16  
17 Chair Hall called the meeting to order at 12:30 pm.

18  
19 **A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.**

20  
21 Mr. Brooks reviewed the requirements for remote meetings, including noting that all votes  
22 must be roll call votes and asked participants to identify themselves prior to asking  
23 questions or making comments.

24  
25 Chair Hall conducted attendance by roll call vote.

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27 **2. APPROVAL OF MINUTES:**

28  
29 *None*

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31 **3. STUDY ITEMS:**

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33 **A. Final Review of Amended Sections**

34  
35 Ms. Owens started reviewing proposed amendments to the definitions section for  
36 subcommittee discussion.

37  
38 Kathie Romano joined the meeting at 12:45 pm.

39  
40 There was discussion of various definitions and whether they were needed. Mr. Hall suggested not  
41 defining “Recreational Facility” and to leave it to the Board and applicant to work out what is  
42 appropriate on a project by project basis. Ms. Monroe noted that it was important to require  
43 recreational facilities. Mr. Brooks noted the proposal to define a term does not alter the substantive  
44 requirement to provide the resource, but the definition should not limit what the Board and applicant  
45 are able to agree to for any given project.

46  
47 The subcommittee continued to review other proposed new definitions. Mr. Hall suggested  
48 shortening the definition of “Universal Design” to the essence of the concept, but exclude the  
49 remaining background and examples. Ms. Monroe agreed that limiting the definition was  
50 appropriate, but asked if the definition included enough information associated with the ADA  
51 requirements. Mr. Brooks noted that the ADA is a very expansive requirement and, as a federal  
52 law, it applies to projects whether or not the Planning Board specifically invokes it. It was also noted  
53 that it would not be easy or necessary to attempt to outline everything that the ADA applies to.  
54

1 Mr. Corwin began a presentation with slides to review the threshold regulations that trigger Site  
2 Plan Review. It was noted that many smaller applications end up requesting numerous waivers from  
3 requirements that are not applicable for smaller projects. As a result, the Board may wish to consider  
4 creating a minor site plan category and redefining the thresholds that trigger review for various  
5 projects.

6  
7 Mr. Hall asked if a minor review process could be applied to subdivision applications. Mr. Corwin  
8 noted that there is no statutory provision for a technical review process for subdivisions. Mr. Brooks  
9 noted that subdivisions must be signed by the Planning Board Chair prior to recording and the full  
10 Planning Board must authorize the Chair's signature.

11  
12 Ms. Romano described her experience with a smaller scale project being subject to all applicable  
13 requirements and indicated that she wholeheartedly supported the creation of a minor project  
14 category and associated guidance like checklists.

15  
16 Mr. Martz expressed concern that applicants might then tailor their applications to avoid certain  
17 requirements. He expressed concern that the regulations were written to guide applicants as to  
18 what can be done on their property and that too many waivers are sought. Mr. Martz was concerned  
19 about making it easier for applicants to seek and obtain waivers and avoid the requirements of the  
20 regulations. Ms. Romano said the Board needs to take waiver requests seriously and review them  
21 against the applicable criteria and not grant waivers if they do not comply with the requirements.

22  
23 Mr. Hall expressed support for distinguishing minor from major applications. Mr. Corwin noted that  
24 the Board does not have to grant waivers if they do not meet the standards, and that in other cases  
25 a minor site plan application might be appropriate for some projects that are just skirting the current  
26 threshold (e.g., 999 square feet when the threshold is 1000 square feet) but would impact the  
27 community and could benefit from a smaller level of review.

28  
29 Mr. Corwin noted that many communities have taken advantage of the statutory provision allowing  
30 the Board to delegate authority for minor site plan applications to a Technical Review Committee.  
31 There can be various benefits to creating a Technical Review Committee including streamlined  
32 review schedules, simplified submission and design requirements, etc.

33  
34 Mr. Hall asked if amendments to previously approved projects would be an example of a minor site  
35 plan application. Mr. Corwin noted that the full Planning Board could delegate approval authority to  
36 the TRC or could retain final decision making authority through a variety of mechanisms. Mr. Corwin  
37 mentioned that all Building Permit applications already receive a form of "Technical Review  
38 Committee" in the City.

39  
40 Ms. Romano asked if minor projects might include decks and minor additions. Mr. Corwin noted  
41 that one and two family residences are excluded from Planning Board review by statute, but any  
42 other type of application could be made subject to a minor review process.

43  
44 Mr. Corwin reviewed the current thresholds of Site Plan Review by the Planning Board. There was  
45 discussion about 3.1.C and 3.1.D.1 as examples where the Board might wish to modify the  
46 thresholds for what triggers review. In some cases, the Board might wish to lower the threshold of  
47 improvements (e.g. 3.1.C) but allow for simplified process for those smaller projects.

48  
49 Ms. Monroe noted that duplication of efforts by Planning Board and Zoning Board should be avoided  
50 when appropriate.

51  
52 Mr. Hall asked how best to move forward with considering a minor review process. Mr. Corwin  
53 briefly commented on a variety of other communities that have such processes and asked the

subcommittee members to consider what types of projects ought to meet requirements, but might not need to go through the full Board review process.

Mr. Hall recommended asking prior applicants about their experiences and also talking with other communities about their regulations and experiences. Mr. Corwin discussed needed review of submission and design requirements. Mr. Corwin will provide the committee members with the presentation slides and will ask members to consider how the minor/major distinction should be determined. Staff will then prepare a proposal for the committee's review and discussion.

Ms. Romano asked for a list of the requirements for which waivers are most frequently requested and approved.

The subcommittee members agreed that creation of a minor process makes sense as long as they are legal and not discriminatory.

Ms. Monroe suggested that she would find value in a minor site plan process that is easier for projects that carry sustainability benefits, such that the benefit of a simpler review is matched by a checklist of the project's positive attributes, using the example of conversions of homes to multifamily residences.

#### **B. New Review of Fire Truck Access Requirements**

Ms. Owens spoke with Fire Department personnel about reviewing portions of Site Plan Regulations applicable to the department for possible amendments. It was noted that many or most of the Site Plan Regulations were adopted prior to the City's adoption of the International Fire Code.

Mr. Martz noted that fire department issues are a significant concern for him. He noted that fire sprinkler systems are not 100 percent foolproof and that egress should be provided in all cases. Mr. Hall recommended that the subcommittee or full Board should hear from the Fire Department directly.

#### **4. ADJOURNMENT:**

Ms Owens reminded the subcommittee that Councilor Below had requested discussion of a potential lighting and that other lighting issues may be proposed for amendment by staff.

Mr. Corwin indicated that the next meeting agenda would be appropriate for review of committee and staff 'homework' on threshold and submittal considerations for minor site plans.

The Committee agreed to hold its next meeting at 12:30 pm on Wednesday, July 29, 2020.

***A Motion by Mr. Martz to adjourn the meeting.  
Seconded by Ms. Romano***

*Roll Call Vote:*

*Members voting in favor included: Mr. Hall, Ms. Romano, Ms. Monroe, and Mr. Martz.  
The vote on the Motion was unanimous (4-0). The Motion was approved.*

The meeting was adjourned at 2:30 pm

Minutes recorded by Rebecca Owens.